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Copies of special study by on "Comment on outer space law in Soviet propaganda media" dated 3 April 1962 sent to members of the Special Group on 5 April by hand with following note:

"Attached is a special study of Soviet comments on outer space law which Mr. McCone believes will be of interest to you." Signed by Mr. Knoche.

Mr. Gilpatric
Mr. Johnson
Gen. Taylor

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COMMENT ON OUTER SPACE LAW IN SOVIET PROPAGANDA MEDIA

TASS on 31 March 1962 announced the publication in Moscow of what is presumably the most authoritative up-to-date exposition of Soviet views on outer space law--a compendium of writings by Soviet international jurists entitled "The Cosmos and International Law." The TASS report provides no solid information as to the substance of these writings. It quotes Professor Yevgeny Korovin, who is one of the book's editors and chairman of the USSR Academy of Sciences' Commission on Interplanetary Space Law, as saying that the book's "main idea" is the need to solve outer space legal problems "on the basis of international law, the U.N. Charter, and principles of peaceful coexistence."

Korovin's remarks to TASS on this occasion, together with his contribution to a symposium on outer space in the June 1961 INTERNATIONAL AFFAIRS, are the only available discussions of outer space law in Soviet press or radio media for the past year and a half, apart from passing mentions--in broad generalities--of the need for a regime in outer space that would accord with principles of coexistence, nonaggression, and noninterference.

In earlier (very infrequent) writings, in the absence of a public official Soviet position, legal spokesmen had seemed careful to avoid taking stands that might jeopardize future Soviet interests. One prominent legal spokesman came out in November 1960, at a Stuttgart international meeting, in favor of a piecemeal approach that would frame agreements on individual "partial" problems of space law in advance of a general international code. But Korovin's more recent statements--against the background of the Geneva disarmament talks, the U.N. space committee deliberations, and the Kennedy-Khrushchev exchange on cooperation in outer space--have hewed to the single-minded approach that "solution of the essential problems of an international regime for outer space is indissolubly linked with the problem of general and complete disarmament."

The Current Framework: Demilitarization and General Disarmament

The above statement on the linkage to disarmament, credited to Korovin in TASS' report of the new volume on outer space law, repeats the central point of Korovin's article in the June 1961 INTERNATIONAL AFFAIRS. He wrote then that the first problem of outer space law requiring international solution was the demilitarization of space, "which is inseparably bound up with the implementation of general and complete disarmament." In his current remarks to TASS he sheds light on a major Soviet concern in complaining that U.S. military leaders, in trying to divorce demilitarization of space from general disarmament,

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want the USSR to "abandon its irrefutable advantages in outer space while American war bases will be maintained in close proximity to Soviet frontiers."

Preoccupation With U.S. "Spy" Satellites

Korovin's remarks to TASS also reflect the preoccupation with U.S. reconnaissance satellites that has marked Soviet writings on outer space law from the outset. He objects to what he describes as the American view that "espionage in outer space, for instance," is not illegal because it violates no existing agreement on peaceful uses of outer space. In the June 1961 INTERNATIONAL AFFAIRS, advocating application of existing earthly laws "by analogy" to outer space, he had stated that the most pressing questions relating to the behavior of man in space were those such as "the responsibility of the cosmonaut for illegal actions he commits while in outer space--for example, espionage."

In 1960 Soviet legal writers had developed what amounted to a legal framework for outlawing U.S. "espionage" satellites while justifying the legality of the USSR's "peaceful" ones. Jurists G. Zhukov (in INTERNATIONAL AFFAIRS in October 1960) and G. Zadorozhniy (at the Stuttgart conference that November) developed, between them, a case against reconnaissance satellites on the grounds that (1) existing international law should be applied "by analogy" to outer space where possible, in the absence of a general code for outer space; (2) by such analogy, since aerial photo-reconnaissance is outlawed by international convention, photo-reconnaissance from outer space must be regarded as equally illegal; and (3) espionage is in any event a hostile act and, as such, violates the U.N. Charter.

This position, which would outlaw reconnaissance satellites strictly on the grounds of their function, makes the question of their altitude immaterial. Zadorozhniy's Stuttgart speech, in fact, for the first time explicitly defined the limits of state sovereignty as the point "where an artificial satellite can fly freely without being forced to earth by air resistance"--a definition in keeping with the Soviet state border law promulgated in August 1960, which claims within the USSR's sovereign realm everything up to the limits of "air space." Yet Khrushchev, in his September 1961 interview with New York TIMES correspondent Sulzberger, evaded answering a specific question about reaching agreement on the boundaries of national space and changed the subject to space exploration and disarmament.

Pre-1960 Discussion: Exploratory and Contradictory Articles

Prior to 1960, the handful of published articles by Soviet legal experts which addressed themselves in detail to specific issues--how the limits of state sovereignty in space are to be defined and how the use of outer space is to be governed--were primarily of an exploratory

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nature and expressed diverse, sometimes contradictory, views as the United States and the Soviet Union moved forward in space exploration.

§ On the question of national sovereignty, the pre-Sputnik I view generally was that such sovereignty had no upper limits. In late 1957 and 1958, various jurists suggested that sovereignty stopped at an undefined upper zone which should be considered analogous to the high seas. In early 1959, Korovin rejected the high-seas analogy, stated that "absolute and unlimited freedom" in the upper atmosphere was undesirable, and implied that international controls were needed. Shortly thereafter, two Soviet jurists (Kovalev and Cheprov), also rejecting the concept of "unlimited freedom," suggested that the limitations could be national rather than international, arguing that a state could, on grounds of national security, extend its sovereignty upward beyond "air space" provided it could exercise de facto control in its designated area. Other writers did not second this idea, and the suggestions concerning international controls were repeated in a November 1959 article.

§ On the question of territorial claims on planetary bodies, there were similar divergences and inconsistencies. The same authors (Kovalev and Cheprov) who had argued for upward extension of national sovereignty on national security grounds also argued that discovery and occupation might be considered a basis for territorial claims on the moon and the planets. Authors who tended to advocate international agreement on sovereignty also espoused the principles of "common use" of outer space "and what it contains," provided "the other side" concurred in this principle. At the time, this view accorded with the spirit of Khrushchev's September 1959 remark about the Soviet moon-shot achievement belonging to "all mankind."

The bibliography on the following pages lists the newspaper and radio materials from which the above summary was drawn, with some general observations on the extent of treatment of outer space law problems in Soviet propaganda media since 1957.

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BIBLIOGRAPHY OF PROPAGANDA SOURCE MATERIALS

Since late 1957, when the first sputnik launching prompted the first discussion of outer space legal questions in Soviet public media, the main vehicles for such comment have been SOVIET STATE AND LAW, monthly journal of the Law Institute, and the multi-language monthly INTERNATIONAL AFFAIRS. Most of the comment is concentrated in the years 1959 and 1960. During 1961 INTERNATIONAL AFFAIRS published only one brief article on the subject; SOVIET STATE AND LAW carried none.

The major publicized discussions are listed below in reverse chronological order:

1961 through March 1962

Ye. A. Korovin, in statements to TASS on the publication of a collection of writings entitled "The Cosmos and International Law," TASS, 31 March 1962

Ye. A. Korovin, in a symposium on "Space Exploration and International Relations," in INTERNATIONAL AFFAIRS, June (No. 6) 1961

1960

G. P. Zadorozhnyi, in an address to the Swabian Society in Stuttgart, reported in the Stuttgarter ZEITUNG on 11 November 1960 (not carried in Soviet media)

G. P. Zhukov, in INTERNATIONAL AFFAIRS, October (No. 10) 1960

V. M. Korestskiy, in a speech at the International Law Association meeting in Hamburg in August, TASS, 11 August 1960

F. N. Kovalev and I. I. Cheprov, in SOVIET STATE AND LAW, July (No. 7) 1960

P. S. Romashkin, in SOVIET STATE AND LAW, January (No. 1) 1960

1959

V. N. Durdenevskiy and G. A. Osnitskaya in SOVIET STATE AND LAW, December (No. 12) 1959

Ye. A. Korovin, G. P. Zhukov, G. Zadoroshnyi and others, symposium in INTERNATIONAL AFFAIRS, November (No. 11) 1959

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1959 (Continued)

F. N. Kovalev and I. I. Cheprov in the "Soviet Year-book of International Law, 1958," published in April 1959

Ye. A. Korovin in INTERNATIONAL AFFAIRS, January (No. 1) 1959

1957-58

A. Galina in SOVIET STATE AND LAW, July (No. 7) 1958

G. Zadorozhniy in SOVIET RUSSIA, 17 October 1957

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